REMARKS

The Office Action mailed November 12, 2003, has been received and its contents carefully noted. Entry of the amendment is respectfully requested since it is responsive to a new ground of rejection made for the first time in the Final rejection. Its entry would lessen the issues on appeal by avoiding the anticipation rejection based on Stricker et al. Claim 16 as amend includes the subject matter of claim 34, which was previously noted by the Examiner as a limitation not taught by the Stricker et al. reference.

Accordingly, Claims 16 and 18-33 are before the Examiner upon entry of the amendment.

Claims 16 and 18-21, 23-30 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fuchs et al. (US 5,700,527) in view of Stricker et al. (5,670,235). This rejection is respectfully traversed.

Claim 16 has been amended to include the limitation of claim 34 and to specify the cooperative relation of at least two of the specified elements to achieve the sound absorptive effect over frequencies ranging at least from 500 Hz to 5000 Hz when positioned proximate a reverberant wall. There is an ordered placement of the absorber types, which achieves the claimed result.

Fuchs et al. teach a sound absorbing glass building component or transparent synthetic glass building component. Further, Fuchs et al. do not describe a combination of at least two sound absorbing layers in the manner claimed and do not describe the resulting synergistic effect of broad band sound absorption. There is no express teaching of the suitability of this system to

absorb sound over a frequency range, specifically the 500 Hz to 5000 Hz range (The range suitable for use in motor vehicles.) There is no guidance by Fuchs et al. as to how to adopt or design a system to achieve this end.

While Fuchs et al. do mention "layers" in col. 3, line 33, no detail is provided sufficient to achieve the ends taught here. It is not clear if the taught layers are of the same type or not nor is there any detail as to placement in a manner like that claimed. It is quite clear that the Fuch et al. teachings are not sufficient to prepare a system which suppresses sound sufficiently over the frequency range associated with motor vehicles. (Note the background section of the instant specification where the problems associated with multiple-absorber arrangement are discussed as are the problems associated with the suppression of the frequencies associated with motor vehicles.)

Figure 7 of Fuchs et al. (referred to in the Office Action) pertains to a plain plexiglass-panel (column 4, line 28). This panel has a hole-surface portion of 1.03%. There is no mention of a foam or non-woven absorber layer. There is no other passage which furthers this teaching.

The Examiner also refers to a non-woven absorber in column 4, lines 38-40. There is no express mention, here or elsewhere, of either a non-woven absorber or even non-woven layer. The plastic panels are merely described as a thick foils provided with reinforcement so that the incident sound cannot cause the panels to vibrate. This is not a non-woven absorber like that claimed.

While Fuchs et al describe the possibility of placing several panels behind one another (column 4, lines 34-35), there is no mention of the need to employ absorbers of different types nor of even applying differently defined perforations to different panels. While Fuchs et al

mention adjusting several parameters to adjust the range of absorption frequencies (column4, lines 23-27), this guidance is of a general nature. It would not suggest the invention as now claimed. Fig. 4 only shows variations in distance of the panel to the wall as having an effect.

While Stricter et al. mention shaped laminates for use in motor vehicles, they do not remedy the deficiencies latent with Fuchs et al. note above. The teaching of devices which absorb sound over the claimed range is not taught. The details of a design concepts which would lead one to the invention is missing. There is no mention of the mixing of multiple types of absorbers. There is no mention of a particular placement order for the absorber types and how that can vary with conditions. These teachings are critical. Again, please note the "Background" section of the instant specification.

Again it is reiterated that Stricker (automobile industry) and Fuchs et al (civil engineering; building trades) are in different technical fields of endeavor. Accordingly, it is not clear why one in the automotive industry would look to Fuchs et al. for a solution of a problem peculiar to the automotive industry (sound suppression over 500 Hz to 5000 Hz range). Also, the solution to this problem is not taught by Fuchs et al.

It is respectfully submitted that even if the references were properly combined, the teachings of the references, taken alone or in combination, do not establish a proper prima facie case of obviousness as to the invention as now claimed. Withdrawal of the rejection is respectfully requested.

Claims 16-18, 22, 30 and 31-33 under 35 U.S.C. §102(b) as being anticipated by Stricker et al. (US 5,670,235). This rejection is respectfully traversed.

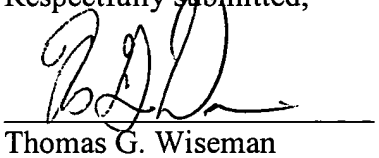
The Examiner on page 5 of the outstanding office action at the fifth line from the bottom of the page agrees that the "500 – 5000 Hz" limitation, appearing in claim 34, is not taught by Stricker et al.. Claim 16 has been amended to include this limitation.

Accordingly, the structure as now claimed is not taught, expressly or implicitly, by Stricker et al.. There is no anticipation. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,



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